

**FILED**

**OCT 05 2005**

Terri A. Lorenzon, Director  
Environmental Quality Council

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE APPEAL AND REVIEW )  
OF THE DECISION REGARDING THE )  
RECLASSIFICATION OF EIGHT MAIN STREAM )  
DRAINAGES TO POWDER RIVER AND OTHER ) DOCKET NO. 05-3203  
TRIBUTARIES IN THE POWDER RIVER BASIN, )  
DATED DECEMBER 22, 2004 )

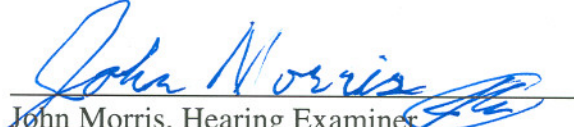
**ORDER**

Upon the stipulation of the Parties filed by the Petitioners, through their attorney, Dennis M. Kirven; by Kennedy Oil and Yates Petroleum, through their attorney, Randall T. Cox; and by the State of Wyoming, through its attorney, John S. Burbridge, and the Council fully advised of the premises does find that the Petition for Leave to Intervene should be granted and the Motion to Dismiss should be denied.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Petition for Leave to Intervene filed by Kennedy Oil and Yates Petroleum is hereby granted.

IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED that the Motion to Dismiss filed herein filed by Kennedy Oil and Yates Petroleum is hereby denied.

DATED this 5<sup>th</sup> day of October, 2005.

  
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John Morris, Hearing Examiner  
Environmental Quality Council  
122 W. 25<sup>th</sup> Street  
Herschler Bldg., Room 1714  
Cheyenne, WY 82002  
Tel: 307-777-7170  
Fax: 307-777-6134

CERTIFICATE OF SERVICE

I, Kim McGee, certify that at Cheyenne, Wyoming, on the 5th day of October, 2005, I served a copy of the foregoing ORDER, by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Dennis M. Kirven  
Kirven and Kirven, P.C.  
104 Fort Street  
Buffalo, WY 82834-0640

Randall T. Cox, Attorney  
400 South Kendrick, Suite 304  
Gillette, WY 82716

also to the following persons via interoffice mail:

John S. Burbridge  
Senior Assistant  
Wyoming Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002

John Wagner  
Department of Environmental Quality  
Water Quality Division  
122 W. 25<sup>th</sup> Street  
Herschler Building, 4<sup>th</sup> Floor West  
Cheyenne, WY 82002

J



Kim McGee  
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